

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2600**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>First Named Inventor : Hari Hara Kumar Venkatachalam Appln. No.: 10/672,316 Filed : September 26, 2003 For : INTEGRATED SPECTACLES AND DISPLAY UNIT FOR COMPUTER AND VIDEO Docket No.: K28.12-0001</p>	<p>Group Art Unit: 2629 Examiner: Duc Q. Dinh</p>
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

ELECTRONICALLY FILED ON
NOVEMBER 5, 2007

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a Pre-Appeal Brief Review of the rejection of claims 1, 5-6, 8-13, 15-16 and 18-20 under ¶103(b) based on Yasukawa et al., U.S. Patent No. 6,320,559 in view of Schoolman, U.S. Patent No. 5,281,957 and further in view of Mann, U.S. Patent No. 6,307,526, since the rejection is based on clear error of fact and omission of essential elements to establish a prima facie rejection. The rejection is unsupported by Yasukawa, Schoolman and Mann.

Similar review of the following rejections is also requested.

- (1) The rejection of claim 7 under §103(a) based on Yasukawa in view of Schoolman, in view of Mann and further in view of Preston, U.S. Patent No. 6,094,283.

- (2) The rejection of claim 14 under §103(a) based on Yasukawa and Schoolman, in view of Mann, and further in view of Hori et al., U.S. Patent No. 5,072,209, hereinafter Hori.
- (3) The rejection of claim 17 under §103(a) based on Yasukawa in view of Schoolman, in view of Mann, and further in view of Kato et al., U.S. Patent No. 5,497,170.
- (4) The rejection of claims 4 and 21-22 under §103(a) based on Yasukawa in view of Schoolman and Mann and further in view of Barkan, U.S. Patent No. 5,656,804.

ARGUMENT

Claim 1 includes “a pair of spectacles adapted to be worn on the face of a person, the pair of spectacles having a first lens and a second lens; and a projection unit.” (Emphasis Added.)

Applicant respectfully points out that “projection” is a phenomenon that is outward of something. (See attached definitions for projection.) Further, “unit” is defined as a single undivided whole. (See attached definitions for unit.) Thus, by definition, and in the context of the specification, a “Projection Unit” is a single device that projects/displays an image outside of itself (for example, on a wall (see page 3, line 26, of the specification)). None of the cited references, taken individually or in combination, show or suggest a “Projection Unit.”

In Yasukawa, Schoolman, and Mann, any device worn by the user includes a physical display component for the user to see an image that is within the physical display component, which is contrary to a “Projection Unit.” The remaining cited references (Preston, Hori, Kato and Barkan) do not overcome the deficiencies of Yasukawa, Schoolman, and Mann.

In summary, none of the cited references, taken individually or in combination, teach or suggest “a pair of spectacles adapted to be worn on the face of a person, the pair of spectacles having a first lens and a second lens; and a projection unit,” as required by claim 1. Therefore, claim 1 is non-obvious and allowable over the cited art.

Independent claim 18 has elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicant submits that independent claim 18 is allowable as well. Moreover, Applicant respectfully submits that the dependent claims are also allowable at least by virtue of their dependency, either directly or indirectly, from the allowable independent claims. Further, the dependent claims set forth numerous elements not shown or suggested in the cited references. For example, claim 21 includes “the controller is adapted to provide a shutdown control signal to the receiver when motion detected by the motion sensor is found to be above a predetermined threshold,” and claim 22 includes “the controller is adapted to provide a startup control signal to the receiver when motion detected by the motion sensor is found to be below a predetermined threshold.”

The Office Action suggests that Barkan (column 11, lines 20-35) shows the above elements of claims 21 and 22. Applicant disagrees for the following reasons.

The cited language of Barkan (column 11, lines 20-35) describes specific components of Barkan’s automatic activation mechanism. However, the immediately preceding section of Barkan (column 11, lines 10-20) describes the essence of the activation mechanism, which is a mechanism for automatically turning “off” a terminal when the terminal is stationary, and automatically turning the terminal “on,” when it is moved. This is contrary to the requirements of claim 21, and claim 22.

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of all pending claims 1 and 4-22. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
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